THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5164 of 2007

Date: 15.03.2007

Between:

B.Rajeshwari and another.

....Petitioners

And

The Sub-Registrar, Gopalapatnam, Visakhapatnam District.

....Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5164 of 2007

O R D E R:

Petitioners 1 and 2 are the wife and son respectively of one late Bangarayya, who purchased an extent of 650 square yards of land in Survey Nos.68/4, 70/1, and 67/C of Adavivaram Gram Panchayat, Visakhapatnam District, under an agreement of sale, from one Sri Narasimha Panda. They state that consequent upon the death of the said Bangarayya, the said property devolved upon them. According to them, they intended to sell the said land and in that process, approached the respondent with a request to furnish the basic value of the property, to enable them to compute the stamp duty. The grievance of the petitioners is that the respondent is not acceding to their request, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondent, in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the respondent to refuse registration had disappeared, he cannot refuse to take steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, in case the petitioners approach him.

Hence, the Writ Petition is disposed of, directing the respondent to furnish the necessary information and process the documents that may be presented by the petitioners; and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act. There shall be no order as to costs.

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15.03.2007

Note: Issue C.C. in three days.

(B/o)

JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77